

Message Text

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PAGE 01 STATE 154367
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FM SECSTATE WASHDC
TO AMEMBASSY PANAMA PRIORITY

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E.O. 11652: N/A

TAGS: PBOR, OAS, US, PQ, PN

SUBJECT: RESOLUTIONS FOR OAS GENERAL ASSEMBLY

REF: STATE 102628

1. WE WANT THE OAS GENERAL ASSEMBLY TO ADOPT TWO RESOLUTIONS CONCERNING THE PANAMA CANAL AT ITS 8TH ORDINARY SESSION SCHEDULED TO START IN WASHINGTON ON JUNE 21. ONE WOULD CONGRATULATE THE PARTIES FOR ACHIEVING THE AGREEMENT, MAKE APPROPRIATE REFERENCES TO OAS INVOLVEMENT AND MAKE CLEAR THAT THE US RIGHT TO ASSURE THAT THE CANAL REMAINS OPEN AND SECURE TO SHIPS OF ALL NATIONS SHALL NEVER BE DIRECTED AGAINST THE SOVEREIGN INTEGRITY OR POLITICAL INDEPENDENCE OF PANAMA. THE OTHER RESOLUTION, IN ACCORDANCE WITH ARTICLE VII OF THE NEUTRALITY TREATY, WOULD AUTHORIZE
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PAGE 02 STATE 154367

THE OAS SECRETARIAT TO ACCEPT FOR DEPOSIT THE NEUTRALITY TREATY, PROTOCOL AND OTHER DOCUMENTS, DECLARE THE PROTOCOL OPEN FOR ACCESSION, AND CALL ON OAS MEMBER STATES AND ALL OTHER NATIONS TO ACCEDE TO IT.

2. THE EMBASSY IS REQUESTED TO PROVIDE THE FOREIGN MINISTRY WITH THE TEXTS CONTAINED IN PARAS 3 AND 4 AND NOTE

THAT THE CONGRATULATORY RESOLUTION INCORPORATES MANY OF THE POINTS CONTAINED IN AMBASSADOR PITY'S EARLIER DRAFT. TEXTS

WILL BE PROVIDED TO THE PANAMANIAN OAS MISSION. WE WOULD APPRECIATE PANAMA'S VIEWS PROMPTLY SO AS TO FACILITATE THE PRESENTATION OF THE TWO DRAFT RESOLUTIONS TO THE OAS AS CO-SPONSORED BY THE US AND PANAMA.

3. THE GENERAL ASSEMBLY OF THE ORGANIZATION OF AMERICAN STATES,

--CONSIDERING:

--THAT THE NEGOTIATIONS BETWEEN THE GOVERNMENTS OF THE UNITED STATES AND PANAMA LEADING TO AGREEMENT ON NEW ARRANGEMENTS FOR OPERATING THE PANAMA CANAL BEGAN WITH A JOINT DECLARATION SIGNED BY THE REPRESENTATIVES OF THOSE TWO COUNTRIES AT THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES ON APRIL 3, 1964;

--THAT THE FIFTH AND SIXTH ORDINARY SESSIONS OF THE GENERAL ASSEMBLY HEARD JOINT REPORTS FROM THE UNITED STATES AND PANAMA ON THE PROGRESS OF THE NEGOTIATIONS AND ADOPTED RESOLUTIONS EXPRESSING THE HOPE THAT THE PARTIES WOULD SOON CONCLUDE A "NEW, JUST, AND EQUITABLE TREATY CONCERNING THE CANAL, WHICH WOULD ELIMINATE FOR ALL TIME THE CAUSES OF CONFLICT BETWEEN THE TWO COUNTRIES AND BE EFFECTIVE IN STRENGTHENING INTERNATIONAL COOPERATION AND PEACE IN THE AMERICAS";
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PAGE 03 STATE 154367

--THAT THE SEVENTH ORDINARY SESSION OF THE GENERAL ASSEMBLY RECEIVED REPORTS THAT SIGNIFICANT PROGRESS WAS BEING MADE TOWARD AGREEMENT ON A NEW ARRANGEMENT FOR THE CANAL;
--THAT THE NEGOTIATIONS CULMINATED ON SEPTEMBER 7, 1977 AT THE HALL OF THE AMERICAS IN THE SIGNATURE BY THE PRESIDENT OF THE UNITED STATES, JIMMY CARTER, AND THE CHIEF OF GOVERNMENT OF PANAMA, OMAR TORRIJOS HERRERA, OF TWO AGREEMENTS: THE PANAMA CANAL TREATY AND THE TREATY CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL;

--THAT THE CHIEFS OF STATE, HEADS OF GOVERNMENT OR OTHER REPRESENTATIVES OF THE AMERICAN REPUBLICS PRESENT AT THE SIGNATURE OF THE TREATIES RECORDED THEIR PROFOUND SATISFACTION WITH THAT ACT;

--THAT BOTH THE UNITED STATES AND PANAMA HAVE COMPLETED THEIR CONSTITUTIONAL PROCESSES PROVIDING FOR ADVICE AND CONSENT TO RATIFICATION OF BOTH TREATIES AND HAVE MADE CLEAR THAT ACTION TAKEN UNDER THE TREATIES TO PROTECT THE NEUTRALITY AND ACCESSIBILITY OF THE CANAL SHALL NEVER BE DIRECTED AGAINST THE SOVEREIGN INTEGRITY OR POLITICAL INDEPENDENCE OF THE REPUBLIC OF PANAMA;

--RECOGNIZING:

--THAT THE REGIME OF NEUTRALITY UNDER WHICH THE CANAL
WILL BE OPERATED AFTER THE ENTRY INTO FORCE OF THE NEW
TREATIES WILL ENSURE THAT THE PANAMA CANAL WILL REMAIN

OPEN, SECURE, NEUTRAL, AND ACCESSIBLE TO THE SHIPS OF
ALL NATIONS OF THE WORLD;

--THAT THE UNITED STATES AND PANAMA HAVE REAFFIRMED AS AN
INTEGRAL PART OF THEIR TREATY RELATIONSHIP THEIR ADHERENCE
TO THE PRINCIPLE OF NON-INTERVENTION SET FORTH IN THE
CHARTERS OF THE ORGANIZATION OF AMERICAN STATES AND THE
UNITED NATIONS AS WELL AS IN THE INTER-AMERICAN TREATY OF
RECIPROCAL ASSISTANCE;

--RESOLVES:

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PAGE 04 STATE 154367

--TO CONGRATULATE THE PARTIES FOR HAVING BROUGHT THESE
LONG NEGOTIATIONS TO A SUCCESSFUL CONCLUSION, THEREBY
DEMONSTRATING THEIR OWN COMMITMENT TO PEACE AND SETTING
AN EXAMPLE FOR OTHER AMERICAN STATES TO FOLLOW IN RESOLV-
ING DISPUTES WHICH MAY ARISE BETWEEN THEM BY THE USE OF
PACIFIC SETTLEMENT PROCEDURES LAID DOWN IN THE TWO
CHARTERS.

4. THE GENERAL ASSEMBLY OF THE ORGANIZATION OF AMERICAN
STATES,

--CONSIDERING:

--THAT THE GOVERNMENTS OF THE UNITED STATES AND PANAMA
HAVE NOW DELIVERED INSTRUMENTS OF RATIFICATION OF THE
TWO TREATIES WHICH WILL PROVIDE NEW ARRANGEMENTS FOR
OPERATING THE PANAMA CANAL - THE PANAMA CANAL TREATY
AND THE TREATY CONCERNING THE PERMANENT NEUTRALITY AND
OPERATION OF THE PANAMA CANAL;

--THAT THE TREATY CONCERNING THE PERMANENT NEUTRALITY AND
OPERATION OF THE PANAMA CANAL ESTABLISHES A REGIME OF
NEUTRALITY WHICH WILL ENSURE THAT THE CANAL WILL REMAIN
OPEN, SECURE, NEUTRAL, AND ACCESSIBLE TO THE SHIPS OF
ALL NATIONS OF THE WORLD;

--THAT TO ENSURE THE EFFECTIVENESS OF THIS REGIME OF
NEUTRALITY, IT SHOULD BE RESPECTED, AND ITS APPLICABLE
RULES OBSERVED, BY ALL VESSELS TRANSITING THE CANAL;
--THAT THE PROTOCOL TO THE TREATY CONCERNING THE PERMANENT
NEUTRALITY AND OPERATION OF THE PANAMA CANAL, WHICH BY
ITS TERMS SHALL BE OPEN FOR ACCESSION BY ALL STATES OF
THE WORLD, HAS AS ITS PURPOSE THE ESTABLISHMENT OF INTER-
NATIONAL COMMITMENTS DESIGNED TO ASSURE SUCH RESPECT FOR
THE REGIME OF NEUTRALITY, A GOAL OF GREAT IMPORTANCE TO
THE PEACE OF THE AMERICAS;

--THAT THE UNITED STATES AND PANAMA HAVE REQUESTED THE
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PAGE 05 STATE 154367

GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES TO ACT AS DEPOSITARY FOR THE TREATY CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL AND ITS ACCOMPANYING PROTOCOL, CONSISTENT WITH ARTICLE 118 OF THE CHARTER OF THE ORGANIZATION:

--RESOLVES:

--(1) TO AUTHORIZE THE GENERAL SECRETARIAT TO ACCEPT

FOR DEPOSIT THE TREATY CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL, ITS PROTOCOL, AND THE VARIOUS INSTRUMENTS OF ACCESSION THERETO.

--(2) TO DECLARE THAT THE PROTOCOL SHALL BE OPEN FOR ACCESSION AS OF THE DATE OF ENTRY INTO FORCE OF THE TREATY

CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE CANAL BETWEEN THE UNITED STATES AND PANAMA AND TO ASK THE UNITED STATES AND PANAMA TO INFORM THE GENERAL SECRETARIAT WHEN THAT EVENT OCCURS SO THAT IT MAY MAKE THE APPROPRIATE ANNOUNCEMENTS AT THAT TIME.

--(3) TO CALL UPON ALL MEMBERS OF THE ORGANIZATION OF AMERICAN STATES, AND ALL OTHER NATIONS OF THE WORLD, TO ACCEDE TO THE PROTOCOL AS PROMPTLY AS POSSIBLE FOLLOWING THAT DATE. NEWSOM

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